



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/921,003

08/01/2001

Mark Killmer

5843

7590  
LTDnetwork Pty.  
c/o J. Christopher Roe  
211 Madison Avenue #28B  
New York, NY 10016

05/11/2009

EXAMINER

WIDHALM, ANGELA M

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/921,003

**Applicant(s)**

KILLMER, MARK

**Examiner**

ANGELA WIDHALM

**Art Unit**

2452

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 15-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-640)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a final office action in response to remarks filed on 26 January 2009. Claims 1, 5, 10, and 34 are amended. No claims are canceled or added. Claims 15-33 are withdrawn. Claims 1-14 and 34-37 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-14 and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter Brown), U.S. Patent Publication 2006/0206393, in view of Guheen et al. (hereinafter Guheen), US Patent 6,721,713.
5. Regarding claim 1, Brown disclosed a computer program product on a network-connected device including:

software means for recognizing when a user will potentially purchase products or services from an online site viewed by the user, wherein the means for recognizing when a user will potentially purchase products or services from an online site viewed by the user includes means for recognizing a point at which the user accesses detailed information regarding a competing product, wherein the competing product is one offered by a trader operating the online site currently viewed by the user and an alternative trader associated with the computer program; (see Brown [0017], [0067], fig. 10A & 10B: *user accesses product information on a website and wherein the viewed product is sold by multiple merchants. Examiner interprets the claim limitation such that "recognizing" inherently takes place when the claimed action takes place; specifically, "recognizing when a user will potentially purchase products from an online site viewed by the user" is equivalent to the user accessing product information on the website as is further explained in the limitation "wherein recognizing [...] includes [...] a point at which the user accesses detailed information regarding a competing product"*)

means for cross-referencing any determined subject matter categories with a second index of alternative online sites categorised by subject matter, in order to determine any alternative online sites in the same or similar category, the alternative online sites including a site associated with the alternative trader associated with the computer program; and (see Brown [0017], [0048]: *determine competitors with similar products using a cross-reference table*)

means for displaying, (see Brown fig. 10A #1018: *display competitors*)

(a) any determined alternative online sites to the user, including the site associated with the alternative trader associated with the computer program; (see Brown fig. 10A #1018, [0052], [0068]: *display competitors*)

(b) a hyperlink to a specific page of the site associated with the alternative trader associated with the computer program, wherein the specific page specifically relates to a competing product provided by the alternative trader; (see Brown fig. 5 #506 & #508, fig. 10A #1018, fig. 10B #1032, [0015], [0065], [0076]: *display hyperlink to competitor that offers similar product*)

(c) a price of the competing product provided by the alternative trader; and (see Brown fig. 9 #926, fig. 10B #1046, [0013], [0071]: *displays price of competitor's product*)

(d) the ability to place an order for the competing product provided by the alternative trader (see Brown fig. 9 #928, fig. 10B #1048, [0009], [0081]: *user is able to purchase competitor's product from the window displaying competitors*).

Brown did not explicitly disclose wherein the displayed webpage is a separate window, however examiner takes Official Notice (see MPEP 2144.03 Reliance on "Well Known" Prior Art) that displaying a webpage in a different window was well-known to one of ordinary skill in the art at the time of invention. Including the capability of displaying multiple browser windows in Brown's invention would allow the user to view two webpages at the same time and thereby improve ease of comparing content.

Brown did not explicitly disclose determining related categories that relate to the viewed website, i.e. means for comparing a URL, title and/or content of the online site viewed by the user with a first index of keywords relating to a plurality of subject matter categories, to determine any subject matter categories to which the online site relates. However in a related art, Guheen disclosed displaying advertisements and related products based on the displayed product, e.g. in the same class as the displayed product (see col. 187 lines 15-26, lines 4-5, lines 7-8, lines 45-49). Determining related categories is inherently included when displaying content in the same class. Guheen also disclosed using keywords associated with a product to find additional related products (see col. 178 lines 59-66).

Both Brown and Guheen describe displaying competing products (see Brown [0052], [0068], Guheen col. 178 lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Brown and Guheen to describe how to determine related content.

6. Regarding claim 34, Brown-Guheen disclosed the invention, substantially as claimed as described in claim 1 above, further including receiving, over a computer network coupled to online sites, information regarding an online site viewed by a user (see Brown [0028], [0037]: *accessing a website that facilitates sales-related transactions between merchants and customers over a network. The claim limitation "receiving information regarding an online site viewed by a user" is interpreted as being*

*equivalent to sending over a network any information used when displaying or accessing the website).*

7. Regarding claim 5, Brown-Guheen disclosed the invention, substantially as claimed, as described in claim 34, further including analysing the online site viewed by a user to identify subject matter (see Guheen col. 170 lines 56-65).

8. Regarding claim 10, Brown-Guheen disclosed the invention, substantially as claimed, as described in claim 34, further including analysing the online site viewed by a user to identify products advertised on the site (see Guheen col. 170 lines 56-65).

9. As to claims 2 and 35, Brown-Guheen discloses a first and second indexes are contained in a database remote from the computer program product (see Guheen fig 3).

10. As to claims 3-4, 6-7, and 36-37, Brown-Guheen discloses means for determining a geographic locality relating to the user; and means for determining any alternative sites in the same or proximate geographical locality to that relating to the user, so that the displaying means displays any of the determined alternative sites in the same or a similar subject matter category, that are also in the same or proximate geographical locality; and the step of determining a geographical locality relating to the user and only displaying alternative sites in the same or a proximate geographical locality wherein the geographical locality relating to the user is determined by analyzing

the user's electronic address and/or the address of the online site viewed by the user (see Guheen col. 174 lines 62 – col. 175 line 1; fig. 10).

11. As to claims 8-9 and 11-12, Brown-Guheen discloses the information displayed to the user includes hyperlinks to the alternative online site considered as a link to related data (see Guheen col. 170 lines 56-66); and discloses the analysis step is performed by analyzing the URL, title and/or content of the online site (see Guheen col.177 lines 21-66, col.180 lines 20-42).

12. As to claims 13-14, Brown-Guheen discloses the displayed information includes a price of the competing products; and including the steps of determining whether the competing product prices is less than the price of the identified product on the online site viewed by the user, and if less, displaying the competing product price to the user; or if not less, ascertaining a best price relating to the competing product and displaying the best price to the user or a value in-between (see Guheen fig 66; col.170 lines 44-64)

### ***Conclusion***

13. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA WIDHALM whose telephone number is (571)272-1035. The examiner can normally be reached on M-F, 9-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Primary Examiner, Art Unit 2452

/A. W./  
Examiner, Art Unit 2452  
7 May 2009